



## Law of Handle Plant Genetic Resources for Food and Agriculture

Royal Decree No.: M/106, Dated 27/10/1439H



*In the Name of God  
the Compassionate  
the Merciful*



**This translation is provided  
for guidance. The governing  
text is the Arabic text.**



No.: M/106

Dated: 27/10/1439H

**With the help of Almighty God,  
We, Salman ibn Abdulaziz Al Saud,  
King of Saudi Arabia,**

Pursuant to Article 70 of the statute for Basic Law of Governance, issued by Royal Order No. (A/90) dated 27/8/1412H;

pursuant with Article 20 of the Law of the Council of Ministers, issued by Royal Order No. (A/13) dated 3/3/1414H

pursuant to Article 18 of the Shura Council Law, issued by Royal Order No. (A/91) dated 27/8/1412H

upon perusal of Shura Council Resolution No. (182/58) date {25/1/1439H}

upon perusal of Council of Ministers Resolution No. (555) dated 26/10/1439H

have decreed as follows:

First, The Law of Civil Procedures shall be approved as per the attached form,

Second, anyone to whom this Law applies who participates any activity related to genetic resources shall rectify their status according to its provisions, within one year from the date of its publication in the Official Gazette.

Third, HRH Deputy Prime Minister, the ministers and heads of relevant independent agencies – each within their jurisdiction – shall implement this Decree of ours.

(Signed)

**Salman bin Abdulaziz Al Saud**

## Article 1

### Definitions

The following terms, wherever used in this Law, shall have the meanings hereunder assigned to them, unless the context requires otherwise.

1. **Law:** Law of Handle Plant Genetic Resources for Food and Agriculture.
2. **Regulations:** implementing regulations of the Law.
3. **Plant Genetic Resources:** any genetic resource of plant origin of actual or potential value for food and agriculture, including reproductive and vegetative propagating material, containing functional units of heredity.
4. **Ministry:** Ministry of Environment, Water and Agriculture
5. **Minister:** Minister of Environment, Water and Agriculture
6. **International treaty:** International Treaty on Plant Genetic Resources for Food and Agriculture
7. **National Committee:** National Committee on-Plant Genetic Resources.
8. **Secretariat:** Secretariat for Plant Genetic Resources.
9. **Stakeholder:** any individual of ordinary or legal capacity who deal with plant genetic resources
10. **Natural site:** The natural environment in which the plant genetic resources found.
11. **Collection:** Collecting plant genetic resources from their natural site.
12. **Abnormal site:** the place which keeps plant genetic resources out of its normal environment.
13. **Share benefits:** fair and equitable sharing of the benefits arising from the use of plant genetic resources.
14. **Multilateral System:** access to plant genetic resources and sharing benefits arising their use. Mentioned in the Annex I to the in an International Treaty on Plant Genetic Resources for Food and Agriculture.
15. **Traditional knowledge:** Cultural and traditional practices that passed on from generation to generation within a community and farmers to use and conserve plant genetic resources.
16. **Material Transfer Agreement:** an agreement concluded between the General Secretariat and Stakeholders to obtain plant genetic resources- out of the framework of the Multilateral System - to set out the obligations of the parties, terms of use and the benefits arising out of the use of plant genetic resources, whether commercial or non-commercial use.
17. **Standard Material Transfer Agreement:** an agreement concluded between the General Secretariat and Stakeholders for obtaining plant genetic resources-within the framework of multilateral the system- whether it is for commercial purposes or other, according to terms and conditions the International Treaty.
18. **Access to plant genetic resources:** acquisition and transfer of plant genetic resources – including the information associated with these resources whether it is inside or outside the normal sites.

## **Article 2**

### **Objectives**

This Act aims at regulating the management of plant genetic resources and protect it from any wrong practices. It also aims at:

- 1- Monitoring, exploration, conservation and optimal utilization of plant genetic resources to achieve food security.
- 2- Regulating access to plant genetic resources, and the fair and equitable sharing of benefits arising from their utilization.
- 3- Regulating the circulation of plant genetic resources, whether for commercial or other purposes.
- 4- Regulating entry and exit of plant genetic resources through ports.
- 5- Protecting traditional knowledge related to plant genetic resources.
- 6- Encouraging and supporting farmers' efforts- according to what is appropriately - to manage and conserve their plant genetic resources.



## **Article 3**

### **The National Committee**

1- The Law provides for the establishment of the National Committee of Plant Genetic Resources which was composed of specialists as follows:

Representative of Ministry	Chairperson
Representative of Ministry of Education	Member
Representative of Saudi WildLife Authority	Member
Representative of King Abdulaziz City for Science and Technology (KACST)	Member
Representative of Saudi Food and Drug Authority	Member

Representative of General Authority of Meteorology & Environmental Protection  
Member

Representative of the private sector selected by the Chairperson of the Council of Saudi  
Chambers Member

Representative of farmers selected by the Chairperson Member

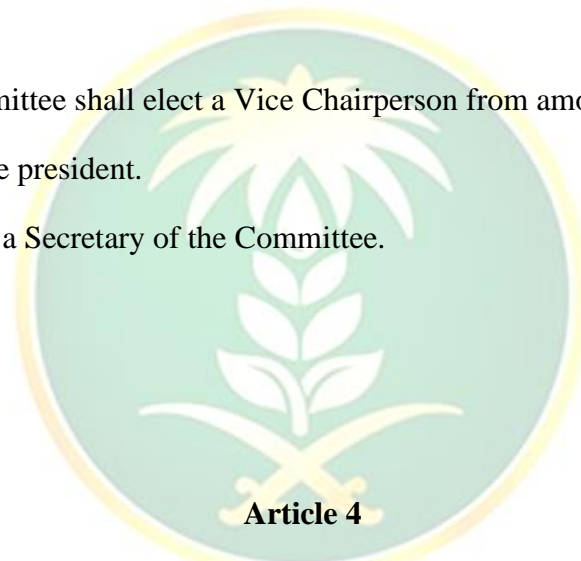
Secretary-General Member

Statutory advisor selected by the Minister Member

2- The competent minister or the first official in the authority shall nominate a representative-  
According to the controls specified by the regulations for a term of three years, renewable once.

3- Members of the Committee shall elect a Vice Chairperson from among them  
select among them a Vice president.

4- Minister shall appoint a Secretary of the Committee.



#### **Article 4**

### **Meetings of The National Committee**

The National Committee Minister shall appoint a Secretary of the Committee by its Chairperson, as a periodically or as required, or if one third of the members have submitted a written request.

The meeting shall not be valid unless attended by two thirds of the members. Its decisions are taken by the majority of the votes of the members attending the meeting

; In the case of equal votes, the Chairman shall have the casting vote.

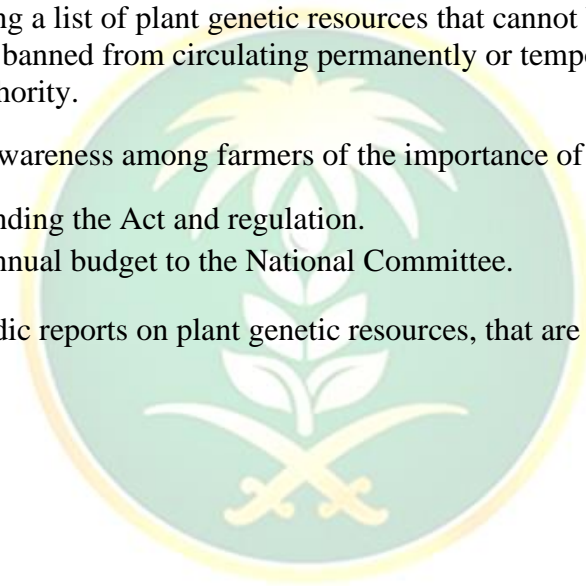
The regulations shall define the functions of the Committee and its meeting, members' remuneration, in accordance with the Act, decisions, and the directives in this regard.

## **Article 5**

### **Terms of Reference of The National Committee**

The National Committee shall establish controls related to plant genetic resources and monitor their implementation, and considered as reference for the supervision on plant genetic resources, the following in particular:

- 1- Conducting studies and developing programs that lead to achieving the objectives of the Act.
- 2- Creating database for information related to plant genetic resources.
- 3- Coordinating with local, regional and international authorities in their respective areas of competence, according to followed systemic procedures.
- 4- Issuing and editing a list of plant genetic resources that cannot be collected, enter or leave through ports, or banned from circulating permanently or temporarily; with cooperation with relevant authority.
- 5- Spread Raising awareness among farmers of the importance of plant genetic resources.
- 6- Suggesting amending the Act and regulation.
- 7- Suggesting the annual budget to the National Committee.
- 8- Approving periodic reports on plant genetic resources, that are prepared by the Secretariat.



## **Article 6**

### **The National Committee' Resources**

- 1- The National Committee resources composed of the following:
  - What allocated to it from the Ministry's budget.
  - The financial compensation to issue entry permits plant genetic resources and exit through ports.
  - The penalties that imposed on violators to provision of Act.
  - Financial compensation for issuing licenses for collection from natural site
  - Any other resources approved by national committee



- 2- Money of revenues are deposit in checking account for Ministry of Finance in Saudi Arabian Monetary Authority, and the National Committee spent of the money according to its proposed budget.

## **Article 7**

### **Secretariat**

A Secretariat of the National Committee shall be established and administratively linked to the Chairman, headquartered in Riyadh. A specialist secretary with experience in the field of Plant Genetic Resources should be appointed by the minister for the Secretariat. The Secretariat will be responsible for the following tasks:

- 1- Receiving requests from the stakeholders to engage in the field of Plant Genetic Resources activates.
- 2- Providing of Plant Genetic Resources from the natural off-site.
- 3- Issuing the collecting permits from the natural site.
- 4- The consent to obtain access to Plant Genetic Resources from within and outside the multilateral system.
- 5- Concluding materials transfer agreement with stakeholders.
- 6- Concluding the standard materials transfer agreement with stakeholders.
- 7- Carrying out the implementation of studies and programs endorsed by the National Committee.
- 8- Preparing periodic reports on the Plant Genetic Resources.
- 9- Exploring, monitoring, and maintenance of the Plant Genetic Resources.
- 10- Issuing entry and exit through ports passes for Plant Genetic Resources.
- 11- Performing any other functions assigned by the National Committee.

The regulation shall define the rules of the Secretariat's functioning and its execution modalities.

## **Article 8**

### **Methods to Access to Plant Genetic Resources**

Access to Plant Genetic Resources shall be in accordance with the following:

- 1- Through the multilateral system:
  - A- The access to the Plant Genetic Resources - covered by the multilateral system - is subject to the terms and conditions of the International Treaty, whether it's through the natural site or the unnatural site.
  - B- Stakeholders are forbidden to access the Plant Genetic Resources inside the Kingdom unless a material transfer agreement concluded with the Secretariat.
- 2- Out of the framework of the Multilateral System:
  - A- Access to plant genetic resources out of the framework of the Multilateral System is subject to the approval of the General Secretariat based on the controls set by the National Committee and in accordance with the nature of each genetic resource.
  - B- Stakeholders are forbidden to access plant genetic resources out of the framework of the Multilateral System, whether by collecting them from the natural site or the unnatural site unless a material transfer agreement concluded with the Secretariat

The regulation shall define the mechanism for accessing plant genetic resources

## **Article 9**

### **Entry and Exit of Plant Genetic Resources Through Ports**

A permit must be obtained from the Secretariat prior to the entry or exit of Plant Genetic Resources through ports, and whoever enters or exits the kingdom's port with plant genetic resources- without a permit from the Secretariat- must disclose it to the customs officer, and the officer must keep it until the permit is obtained.

The regulation shall define the requirement of obtaining an entry or exit permit of Plant Genetic Resources

## **Article 10**

### **Violations Review Committee**

A committee of at least three members shall be established by the decree of the Minister, one of whom shall be a regular consultant and another one shall be specialist in Plant Genetic Resources; to consider violations of the provisions of the Act and apply the penalties set forth in Article 12. The committee shall issue its decisions with the approval of the majority of its members, and all decisions must be reasoned. Individuals who sentenced to penalties has the right of appeal against the decision taken before the Board of Grievances within 60 days from the date of notification. The regulations shall define the committee's functioning procedures.

## **Article 11**

### **Seizure of Violations**

In accordance with the procedure established by the regulation, the Minister shall determine the person in charge of seizing the violations of the Act provisions.

## **Article 12**

### **Penalties**

Without prejudice to any higher penalty prescribed in any other regulation, whoever found to have violated any of the provisions shall be punished by one or multiple penalties as follows:

- 1- Suspend the permit or annulling it.
- 2- Prevent any activity relating to Plant Genetic Resources from being exercised temporarily or permanently.
- 3- A monetary fine of 100,000 Riyals.

### **Article 13**

#### **Generic Provisions**

- 1- The provisions of this Act shall apply to all Plant Genetic Resources within the Kingdom's borders.
- 2- This Act does not violate relevant international agreements and regulations.

### **Article 14**

The regulation shall be issued by the Minister within 90 days from the date of its publication.

### **Article 15**

This Act shall come into effect within 90 days after its publication in the Official Gazette, and it shall cancel all provisions that contradict it.

